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II. REMARKS

Consideration of the above-identified application in view of the preceding amendments and the following remarks is respectfully requested. Claims 27 – 42 are presently pending. With this Response Claims 27, 35, 36, 41, and 42 are amended. The specification and the drawings provide support for all of the amended claims. No new matter has been added by this amendment.

a) Regarding the Objection to the Drawings (p. 2, ¶ 1)

Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “42c” (page 9) and “44h” (page 11).

In reviewing the drawings and specification it was learned that the specification included the above described errors. More particularly, reference sign “42c” (page 9) should read “44c”. Support for this correction is found in Figs. 1, 4, and 8 and page 10, line 27. Furthermore, reference sign “44h” (page 11) should read “46h”. Support for this correction is found in Figs. 2 and 6C, and page 9, line 2.

To correct the error on page 9 (from “42c” to “44c”) the paragraph beginning on page 8, line 8, and ending on page 9, line 4, has been revised. To correct the error on page 11 (from “44h” to “46h”) the paragraph beginning on page 10, line 23, and ending on page 11, line 12, has been revised. A marked-up version of these corrections is included herein below.

Accordingly, withdrawal of Examiner’s objections at page 2, paragraph 1, of the Office Action is respectfully requested.

b) Regarding the Objection to the Specification (p. 2, ¶ 2)

Examiner objected to the specification because page 9 recites “clasps 42c” while page 11 recites “44c clasps.”

The correction described immediately above with respect to Examiner’s objection at page 2, paragraph 1, of the Office Action also corrects this error in the specification. Accordingly,

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withdrawal of Examiner's objection at page 2, paragraph 2, of the Office Action is respectfully requested.

c) **Regarding the Objection to the Claims (p. 2, ¶ 3)**

Examiner objected to Claim 35 because in line 2 the term "seem" should instead be spelled "seam."

Claim 35 has been corrected herein above. A marked-up version of the correction is included herein below. Accordingly, withdrawal of Examiner's objection at page 2, paragraph 3, of the Office Action is respectfully requested.

d) **Regarding the § 112 Rejection of Claim 32 (p. 2, ¶ 4)**

Examiner rejected Claim 32 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. More particularly, Examiner states that the original claims, drawings, and/or specification fail to show or describe each closed loop member being expanded to pass over the above said closure element so as to remove each closed loop member from the friendship band.

Applicants respectfully disagree with Examiner's rejection. That is, nowhere in the specification does it restrict the end of the bracelet from which a closed member may be removed. In several parts of the application it is clear that the inventors never intended to require that closed loop members must be removed only over a low-profile portion of a closure means 40. For example, Fig. 4 shows a closure means 44c having a low-profile portion and an enlarged portion. Neither Fig. 4 nor the specification indicates that the elastic closed loop members must be removed from the wristband 20 past the low-profile portion of the closure means 40. As a further example, Fig. 6A shows snap-type closure means 42s attached to wristbands 20 and 20'. As is well known in the art, snap-type fasteners essentially include a ball and a socket attached to opposed parts of an article and are used to hold meeting edges together. *Webster's Ninth New Collegiate Dictionary* (1983). Neither Fig. 6A nor the specification indicates that the closed loop members 60 and 60' must be removed from the wristbands 20 and 20' past only the socket

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portion (i.e., low-profile portion) of the snap-type closure means 42s. As a further example, the specification reads “[a] latitude of modification, change, and *substitution* is intended in the foregoing disclosure” (emphasis added) (see page 14, lines 14 – 15), thereby reinforcing Applicants’ assertion that in addition to the elastic materials from which the closed loop members are explicitly described to be made, the elastic materials from which the elastic strip is described to be made may be substituted therefor. As yet a further example, in Figs. 7A and 7B and the specification that discusses the method for using the friendship bracelet there is no indication that the closed loop members 60 and 60’ must be removed from a particular end of wristbands 20 and 20’. Consequently, it is apparent that the inventors did have possession of the invention as claimed in Claim 32.

Accordingly, withdrawal of Examiner’s rejection of Claim 32 at page 2, paragraph 4, of the Office Action is respectfully requested.

e) Regarding the § 112 Rejection of Claim 27 (p. 3, ¶ 6)

Examiner rejected Claim 27 under 35 U.S.C. § 112, second paragraph. More particularly, Examiner stated it is unclear if the “plurality of closed loop members” recited in Claim 27, line 7, are referencing the “closed loop members” previously recited in Claim 27, line 1.

Applicants have amended Claim 27, line 1, as shown herein above to overcome this rejection. A marked-up version of the amended claim is included herein below. Accordingly, withdrawal of Examiner’s rejection of Claim 27 at page 3, paragraph 6, is respectfully requested.

f) Regarding the § 112 Rejection of Claim 35 (p. 3, ¶ 7)

Examiner rejected Claim 35 under 35 U.S.C. § 112, second paragraph. More particularly, Examiner stated it is unclear if the “fabric material” recited in Claim 35, line 2, is referencing the “second material” previously recited in Claim 27, line 28.

Applicants have amended Claim 35, lines 1 and 2, as shown herein above to overcome this rejection. A marked-up version of the amended claim is included herein below. Accordingly, withdrawal of Examiner’s rejection of Claim 35 at page 3, paragraph 7, is respectfully requested.

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g) Regarding the § 112 Rejection of Claim 36 (p. 3, ¶ 8)

Examiner rejected Claim 36 under 35 U.S.C. § 112, second paragraph. More particularly, Examiner stated it is unclear if the "same material" recited in Claim 36, line 2, is referencing the "first material" and the "second material" previously recited in Claim 27, lines 3 and 8.

Applicants have amended Claim 36, lines 1 and 2, as shown herein above to overcome this rejection. A marked up version of the amended claim is included herein below.

Further, Examiner states Claim 36 is inconsistent with Claim 27 as Claim 36 indicates the band and closed loop members are made of the same material, while claim 27 indicates the band and closed loop members are made of two different materials, namely a first material and a second material.

The terms "first material" and "second material" in Claim 27 are intended to indicate that the materials may be different. Claim 36, however, is intended to express that the materials may be the same type of material. Applicants have amended Claim 36, line 2, in an effort to more clearly claim this distinction. The amended claim is shown herein above. A marked-up version of the amended claim is included herein below.

Accordingly, withdrawal of Examiner's rejection of Claim 36 at page 3, paragraph 8, is respectfully requested.

h) Regarding the § 112 Rejection of Claim 41 (p. 3, ¶¶ 9 - 11)

Examiner rejected Claim 41 under 35 U.S.C. § 112, second paragraph. More particularly, Examiner stated it is unclear if the "first friendship band" recited in Claim 41, line 2, is referencing one of the "friendship bands" previously recited in Claim 41, line 1. In addition, Examiner stated it is unclear if the "second friendship band" recited in Claim 41, line 9, is referencing one of the "friendship bands" previously recited in Claim 41, line 1.

Applicants have amended Claim 41, line 1, as shown herein above to overcome this rejection.

Examiner further stated that in Claim 41, line 3, there is no function recited for the "releasable closure means."

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Applicants have amended Claim 41, line 3, as shown herein above to overcome this rejection. A marked-up version of the amended claim is included herein below. Accordingly, withdrawal of Examiner's rejection of Claim 41 at page 4, paragraphs 9 – 11, is respectfully requested.

i) Regarding the § 112 Rejection of Claim 42 (p. 4, ¶¶ 12 - 14)

Examiner rejected Claim 42 under 35 U.S.C. § 112, second paragraph. More particularly, Examiner stated it is unclear if the "first friendship band" recited in Claim 42, line 2, is referencing one of the "friendship bands" previously recited in Claim 42, line 1. In addition, Examiner stated it is unclear if the "second friendship band" recited in Claim 42, line 5, is referencing one of the "friendship bands" previously recited in Claim 42, line 1.

Applicants have amended Claim 42, line 1, as shown herein above to overcome this rejection.

Examiner further stated that in Claim 42, lines 3 and 6, there is no function recited for the "releasable closure means."

Applicants have amended Claim 42, lines 3 and 6, as shown herein above to overcome this rejection. A marked-up version of the amended claim is included herein below. Accordingly, withdrawal of Examiner's rejection of Claim 42 at page 4, paragraphs 12 – 14, is respectfully requested.

j) Regarding the § 103 Rejection of Claim 27 (p. 4, ¶¶ 17 – 19)

Examiner rejected Claim 27 under 35 U.S.C. § 103. More particularly, Examiner stated that Doppenschmitt discloses a friendship band comprising: a band section (3) made of a first material that is flat in cross-section; and a plurality of closed loop members (1) each made of a second material that is flat in cross-section (¶17), and that although Doppenschmitt fails to specifically disclose a closure means attached to the first and second ends of the band section it would have been obvious to modify the band section of Doppenschmitt to include a closure means as taught by Knodel (¶19).

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Applicants submit that Doppenschmitt and Knodel do not disclose or suggest, either alone or in combination, in whole or in part, each and every limitation of Claim 27.

More particularly, Doppenschmitt discloses an article of jewelry that includes beads (1) having indicia thereon that are mounted upon a tubular member (2) that receives and encloses a core (3). The core (3) is composed of a flat strip or band of spring steel (see page 1, lines 95-102, and Figs. 1 and 2) that is "form-sustaining" (see page 1, line 5; page 2, lines 16 – 21; and page 2, line 112). An alternate embodiment is also disclosed in which the core (3) is dispensed with and beads (4) are strung upon a Milanese fabric band (5). In such case, the band (5) provides a flexible support for the beads which is also "form-sustaining" (see page 2, lines 99 – 100).

Knodel discloses an information reminding device that includes a strap-like body portion (10), an end connecting means (12) (e.g., Velcro) attached to the ends of the body portion, and a plurality of tabs (14) mounted onto the body portion and bearing messages thereon. The device is designed for attachment to a person's wrist. The tabs are arranged for removable attachment to the body portion and are tiltable in opposite directions between indicating and non-indicating positions (see Col. 1, lines 26-38, and Figs. 1-3).

Independent Claim 27 discloses a friendship band with exchangeable closed loop members including a band section made of a first material that is flat in cross-section and has first and second ends; a closure means attached to the first and second ends of the band section for releasably connecting the first end to the second end; and a plurality of closed loop members mounted on the band section, wherein each closed loop member is made of a second material that is flat in cross-section, has a loop opening that conforms to the cross-section of the band section when mounted thereon, includes an indicia on a portion of an exposed surface thereof, and is removable from the first or second end of the band section so it may be exchangeable with closed loop members of other friendship bands.

Doppenschmitt and Knodel do not disclose or suggest, either alone or in combination, in whole or in part, each and every limitation of Claim 27. For example, Doppenschmitt does not disclose a closure means for opening and closing the ends of the core (3). Doppenschmitt also does not disclose a core (3) made of fabric material. In fact Doppenschmitt teaches away from

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certain embodiments of Applicants' invention wherein the band section is made of elastic material (that is, material that allows the band section to be elongated by stretching) by describing them as having inherent defects. Doppenschmitt states:

"If the article [of jewelry], for example, is composed of beads strung upon a core composed of an elastic cord or tape, stretching of the tape, which very quickly occurs, causes deformation of the article and gaping of the beads, producing exposure of the unsightly cord or tape. The rubber content of the cord or tape also quickly rots, especially under certain climatic conditions, destroying the integrity of the article." (See page 1, lines 32-41.)

Knodel does not disclose a plurality of closed loop members mounted on a band section, each closed loop member made of a material that is flat in cross-section, has a loop opening that conforms to the cross-section of the band section when mounted thereon, and includes an indicia on a portion of an exposed surface thereof. In fact Knodel teaches away from embodiments of Applicants' invention (e.g., friendship necklace) because Knodel's information reminding device must be worn snugly on a person's wrist so that the tabs can be tiltable in opposite directions between indicating and non-indicating positions.

It is important to note that in rejecting Claim 27 in the Office Action, the Examiner concluded without factual support that:

"[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the band of Doppenschmitt to include a closure means attached to the first and second ends of the band section for releasably connecting the first end to the second end thereby enhancing securement of the band to the person, i.e., improving the securement of the band to the person by providing a simpler means of wearing and removing the band." (¶19).

Applicants respectfully submit that Examiner's statement is insufficient for supporting an obviousness rejection. It is well established that the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. To establish a *prima facie* case of obviousness there must be some suggestion or motivation in the references to modify or

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combine their teachings. (M.P.E.P. 4142, 4143, and 4143.01.) Neither Doppenschmitt nor Knodel suggest or motivate a person of ordinary skill in the art to make the invention disclosed and claimed by the Applicants. Accordingly, Claim 27 is not rendered obvious by Doppenschmitt and in view of Knodel. Furthermore, because Claims 28 – 40 depend from Claim 27, Claims 28 – 40 are also considered allowable over Doppenschmitt and Knodel.

k) Regarding the § 103 Rejection of Claim 28 (p. 5, ¶ 20) and Claim 29 (p. 6, ¶ 21)

Examiner rejected Claim 28 and Claim 29 under 35 U.S.C. § 103. More particularly, Examiner stated that Doppenschmitt discloses the first material (band section) as an elastic material, namely spring steel.

Applicants strongly disagree with Examiner's conclusion. The core material (i.e., steel spring) described and claimed in Doppenschmitt in no way resembles or compares with the band materials (e.g., elasticized plastics, rubber, plasticized rubber, elasticized fabric materials and the like) disclosed and claimed by Applicants. That is, the properties of the material disclosed by Doppenschmitt are entirely different than the properties of the materials disclosed by the Applicants. In fact, as noted herein, Doppenschmitt clearly teaches away from the use of materials such as those disclosed and claimed by the Applicants. For this reason *In re Leshin* (cited by the Examiner) is inapposite. 125 USPQ 416 (CCPA 1960) (selection of a known plastic to make a container of a type made of plastics prior to the invention was held to be obvious.) See also M.P.E.P. 2144.07.

Accordingly, allowance of Claim 28 is respectfully requested. Furthermore, because Claim 29 depends from Claim 28, Claim 29 is also considered allowable over Doppenschmitt.

l) Regarding the § 103 Rejection of Claim 30 and Claim 31 (p. 6, ¶ 22)

Examiner rejected Claim 30 and Claim 31 under 35 U.S.C. § 103. More particularly, Examiner stated that Doppenschmitt discloses the second material (closed loop member) as a material which may be ornamented as opposed to an elastic material and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize an elastic

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material for the second material as the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art.

Applicants strongly disagree with Examiner's conclusion. *In re Leshin* (cited by the Examiner) does not stand for the proposition that all material selections in all applications leads to obviousness. The beads in Doppenschmitt are described as made of "gold, silver, or other metals or materials." Furthermore, Figs. 1 – 8 of Doppenschmitt do not show any of the beads made of an elastic material.

Accordingly, allowance of Claim 30 is respectfully requested. Furthermore, because Claim 31 depends from Claim 30, Claim 31 is also considered allowable over Doppenschmitt.

m) Regarding the § 103 Rejection of Claim 32 (p. 6, ¶ 23)

Examiner rejected Claim 32 under 35 U.S.C. § 103. More particularly, Examiner stated that "[s]ince it is being viewed as an obvious design choice to utilize an elastic material for the closed loop member (claim 30), then the closed loop member is capable of being elastically expanded to pass over the at least one of the first and second closure means portions."

For the reason provided herein above with respect to the § 103 rejection of Claim 30, Applicants disagree with Examiner's conclusion and respectfully request withdrawal of the rejection of Claim 32.

n) Regarding the § 103 Rejection of Claims 33 - 40 (pp. 7 - 8, ¶¶ 24 - 30)

Examiner rejected Claims 33 – 40 under 35 U.S.C. § 103. For the reasons provided herein above Applicants assert that the claims upon which Claims 33 – 40 depend are allowable. Accordingly, Applicants respectfully request withdrawal of the rejections of Claims 33 – 40.

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III. VERSION WITH MARKINGS TO SHOW CHANGES MADE

Markings to show changes made to the paragraph beginning on page 8, line 8, and ending on page 9, line 4:

-- The friendship bracelet 10, as shown in Figure 1 of the drawings, includes a wristband section 20, closure means 40, and a plurality of closed members 60 having indicia 62 thereon. Band section 20 includes an outer surface layer 22 made of a fabric material 24. Fabric materials 24 used for the outer surface layer 22 include cotton, rayon, nylon, silk, linen, polyester and combinations thereof. Outer surface layer 22 is joined together at a seam line 26 by means of stitching 50, gluing 52 and the like, and having an open space 28 formed therein for receiving of an elongated elastic strip 30 therein. Elastic strip 30 may be made of elastic materials such as elasticized plastics, rubber, plasticized rubber, elasticized fabric materials and the like. As shown in Figures 2 and 3, the elastic strip 30 is disposed in the open space 28 and is connected to first and second end wall tab members 32 and 34 of band section 20 by means of stitching 50, gluing 52, stapling 54, laser fusing (not shown) and the like. Tab members 32 and 34 include closure means 40 thereon for connecting the end wall tab members 32 and 34 together to form a closed bracelet 10, as depicted in Figure 1 of the drawings. Closure means 40 can be selected from the group consisting of snaps 42s clasps ~~42e~~ 44c, hook and loop tabs or fasteners 46h, buckle and tine members 48b, hook members, buttons and the like, as depicted in Figures 5, 6A, 6B and 6C of the drawings.--

Markings to show changes made to the paragraph beginning on page 10, line 23, and ending on page 11, line 12:

-- In operation, the friendship bracelet 10 of a first wearer 12 with that of a second friendship bracelet 10' of a second wearer 12' includes the following steps, as depicted in detail by Figures 1, 6A to 7B of the drawings. The first step 410 is the opening of the releasable closure means 40 (e.g. snaps 42s, or 44c clasps, or Velcro™ tabs ~~44h~~ 46h, or buckle and tine 48b or the like) on each wristband section 20 and 20' of each first and second friendship bracelet 10 and 10'. Then the next step 420 is slidably removing from each wristband section 20 and 20', one of the plurality of closed loop members 60 and 60' thereon, where closed loop

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member 60 and 60' has a first indicia 62 thereon and a second indicia 72 thereon, respectively. The first and second indicia 62 and 72 are different from each other (e.g. first indicia 62 being a design such as a ★ [star], a ▲ [triangle], etc. and the second indicia 72 being a indicia symbol such as initials JCA, a corporate symbol, etc.) and being on each different closed loop members 60 and 60', respectively.--

Markings to show changes made to Claim 27:

27. (Once Amended) A friendship band with a plurality of exchangeable closed loop members,
comprising:

- a) a band section made of a first material that is flat in cross-section and has first and second ends;
- b) a closure means attached to the first and second ends of the band section for releasably connecting the first end to the second end; and
- c) a plurality of closed loop members mounted on the band section, wherein each closed loop member is made of a second material that is flat in cross-section, has a loop opening that conforms to the cross-section of the band section when mounted thereon, includes an indicia on a portion of an exposed surface thereof, and is removable from the first or second end of the band section so it may be exchangeable with closed loop members of other friendship bands.

Markings to show changes made to Claim 35:

35. (Once Amended) A friendship band as recited in Claim 27, wherein ~~each closed loop member is made of the second material is a~~ fabric material ~~and that~~ is joined at a ~~seam~~ seam line by a mechanism selected from the group consisting of stitches, glue, staples, and laser fusion.

Markings to show changes made to Claim 36:

36. (Once Amended) A friendship band as recited in Claim 27, wherein the ~~band section and closed loop members~~ first material and second material are ~~made from~~ the same material.

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Markings to show changes made to Claim 41:

41. (Once Amended) A method of using a first friendship band and a second friendship bands, comprising:

- a) providing a first friendship band including a band section having ~~releasable-closure means~~ for connecting ends of the band section, and a plurality of closed loop members each having a first indicia thereon and mounted onto the band section;
- b) opening the closure means of the first friendship band and removing one of the plurality of closed loop members having first indicia thereon;
- c) exchanging the removed one of the plurality of closed loop members with a closed loop member having a second indicia thereon removed from a second friendship band; and
- d) replacing the closed loop member having a second indicia thereon onto the first friendship band and connecting the closure means thereof.

Markings to show changes made to Claim 42:

42. (Once Amended) A method of using a first friendship band and a second friendship bands, comprising:

- a) providing a first friendship band including a first band section having ~~releasable-closure means~~ for connecting ends of the first band section, and a plurality of closed loop members each having a first indicia thereon and mounted onto the first band section of the first friendship band;
- b) providing a second friendship band including a second band section having ~~releasable-closure means~~ for connecting ends of the second band section, and a plurality of closed loop members each having a second indicia thereon and mounted onto the second band section of the second friendship band;
- c) opening the closure means of the first friendship band and removing one of the plurality of closed loop members having first indicia thereon;

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d) opening the closure means of the second friendship band and removing one of the plurality of closed loop members having second indicia thereon;

e) replacing the one of the plurality of closed loop members having first indicia thereon onto the second band section of the second friendship band and connecting the closure means thereof; and

f) replacing the one of the plurality of closed loop members having second indicia thereon onto the first band section of the first friendship band and connecting the closure means thereof.

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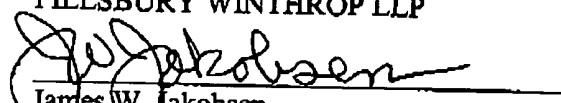
IV. CLOSING COMMENTS

This Response is intended to satisfy the submission requirements in the accompanying request for continued examination under 37 C.F.R. § 1.114. Applicants have set forth remarks and amendments to the specification and claims so to fully address and comply with Examiner's objections/rejections in the July 30, 2002 Office Action. Claims 27 – 42 are presently pending. With this Response, Claims 27, 35, 36, 41, and 42 have been amended. No new matter has been added.

Applicants have reviewed the references provided by the Examiner in the form PTO-892 accompanying the July 30, 2002 Office Action and do not believe they disclose or suggest, either alone or in combination, in whole or in part, the present invention.

The Commissioner is authorized to charge any required fee for this submission to Pillsbury Winthrop LLP's Deposit Account No. 03-3975. Please contact the undersigned regarding any question concerning this Response. Thank you.

Respectfully submitted,
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